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منظمة العفو الدولية
國際特赦組織

TL 4296

URGENT ACTION

EXTERNAL **AI Index: ASA 21/90/97**

UA 391/97 **Death penalty** **12 December 1997**

EAST TIMOR **Luis Maria da Silva (57)**
Francisco da Costa (36)

On 11 December 1997, two East Timorese men were sentenced to death after being found guilty of participating in an ambush on a truck carrying members of the Indonesian security forces. This is the first time the death penalty has been handed down by the courts in East Timor since its occupation by Indonesia in 1975. As many as 53 others are also believed to be on trial for their alleged involvement in this and other attacks. Some of these may also face the death penalty if convicted.

Francisco da Costa and Luis Maria da Silva were tried by the Baucau District Court. It is reported that they were charged with murder, separatist activities and illegal possession of firearms. According to information received by Amnesty International the two men were defended by court appointed lawyers because the families of the two men were afraid to appoint their own lawyers. This, and other longstanding concerns about the Indonesian judicial system, raises fears that their trial may not have met with international standards for fair trial. The two men are reported to have lodged an appeal to the High Court.

The attack by *Falintil* (the East Timorese Liberation Army) took place on 31 May on the road to Quelicai, Baucau. A grenade was thrown into the truck causing an oil drum to explode. Thirteen people in the truck were burned to death and a further four were shot as they tried to escape.

The attack was one of a number by the East Timorese armed opposition against military and civilian targets which took place in the run-up to, and immediate aftermath, of the Indonesian parliamentary elections. Over 100 people were arrested in operations by the authorities to find those responsible for this and other attacks. Only those currently on, or facing trial, remain in detention. The elections created a high level of tension in East Timor because they were seen as a symbol of East Timor's incorporation into the Indonesian state which is rejected by many East Timorese.

At least 42 people, including police and members of the *Falintil,* are believed to have been killed during the attacks. At the time Amnesty International acknowledged that the armed opposition had committed human rights abuses and called on them to abide by international humanitarian standards, but expressed its fear that the operations by the authorities to apprehend those believed to be responsible resulted in further human rights violations including arbitrary detention, torture and ill-treatment.

BACKGROUND INFORMATION

There has been continued resistance, both armed and peaceful, to Indonesia's presence in East Timor since their occupation of the territory in 1975. In its attempts to crush the resistance, the Indonesian authorities have been responsible for grave human rights violations including extrajudicial killings, "disappearances", the imprisonment of prisoners of conscience, arbitrary arrests, torture and ill-treatment.

Indonesia retains the death penalty for a number of crimes, including crimes against state security, assassination of senior state officials, murder, theft resulting in murder, piracy and drug offences.

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RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Bahasa Indonesia, English or your own language:
- expressing concern that Francisco da Costa and Luis Maria da Silva were sentenced to death on 11 December 1997 and that the sentences may have been handed down after an unfair trial;
- urging the authorities to commute the two men's death sentences.

APPEALS TO:

President Suharto
President RI
Istana Negara
Jl. Veteran
Jakarta Pusat
Indonesia
Telegrams: **President Suharto, Jakarta, Indonesia**
Faxes: **+ 6221 345 7782**
Salutation: **Dear President Suharto**

Minister of Justice
Haji Utoyo Usman S.H
Menteri Kehakiman
Jl H.R. Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia
Telegrams: **Minister Justice, Jakarta, Indonesia**
Faxes: **+ 6221 525 3095**
Salutation: **Dear Minister Utoyo Usman S.H.**

COPIES TO:

Secretary General
National Commission on Human Rights
Prof. Dr. Baharuddin Lopa
Sekretis Jenderal
Komisi Nasional Hak Asazi Manusia (Komnas HAM)
Jl Latuharhary 4B
Jakarta Pusat
Indonesia

and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 January 1997.